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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/541,538

07/08/2005

Norbert Grov

03100241AA

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30743

7590

05/16/2008

WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C.

11491 SUNSET HILLS ROAD

SUITE 340

RESTON, VA 20190

EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

05/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/541,538	<b>Applicant(s)</b> GROV, NORBERT	
	<b>Examiner</b> Gregory J. Strimbu	<b>Art Unit</b> 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Drawings***

The drawing correction filed August 22, 2007 has been approved.

***Claim Rejections - 35 USC § 112***

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "a left limb" on line 18 of claim 1 render the claims indefinite because it is unclear if the applicant is referring to the left limb above or is attempting to set forth another limb in addition to the one set forth above. Recitations such as "a separating surface . . . along the guide" on lines 20-22 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. It is still unclear how a plane can define the line defined where the two sections of the mold engage. Recitations such as "successive sections" on line 3 of claim 3 render the claims indefinite because it is unclear if the applicant is referring to the sections set forth above or is attempting to define sections in addition to the ones set forth above. Recitations such as "straight lines" on line 2 of claim 4 render the claims indefinite because it is unclear if the applicant is referring to the straight lines set forth above or is attempting to set forth lines in addition to the ones set forth above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nozaki et al. (US 6305125) in view of German Patent Publication DE 199 42 650. Nozaki et al., in figure 16, discloses a one-piece window frame unit 100 designed to be produced by diecasting and having a structure which defines a main demolding direction (shown in figure 16 as being perpendicular to the longitudinal axis of the frame unit 100) for the diecasting procedure, comprising a U-shaped guide having two limbs 114 for guiding an edge of a window pane 102 between them, one of said limbs 114 being a left limb corresponding to a left vertical portion of said U-shape and the other of said limbs 114 being a right limb corresponding to a right vertical portion of said U-shape, wherein the limbs extend essentially perpendicular to the main demolding direction, wherein the left and right limbs are each comprised of sections arranged in an alternating manner so that a cross section of said U-shaped guide alternates between an L-shape and mirror-L- shape, respectively, corresponding to said U-shape without said right limb and said U-shape without said left limb, respectively, said alternations appearing as said cross section is moved along said U-shaped guide in a direction perpendicular to the main molding direction, there being an interspace at each of said alternations where neither a left limb nor a right limb appears in the cross section so as

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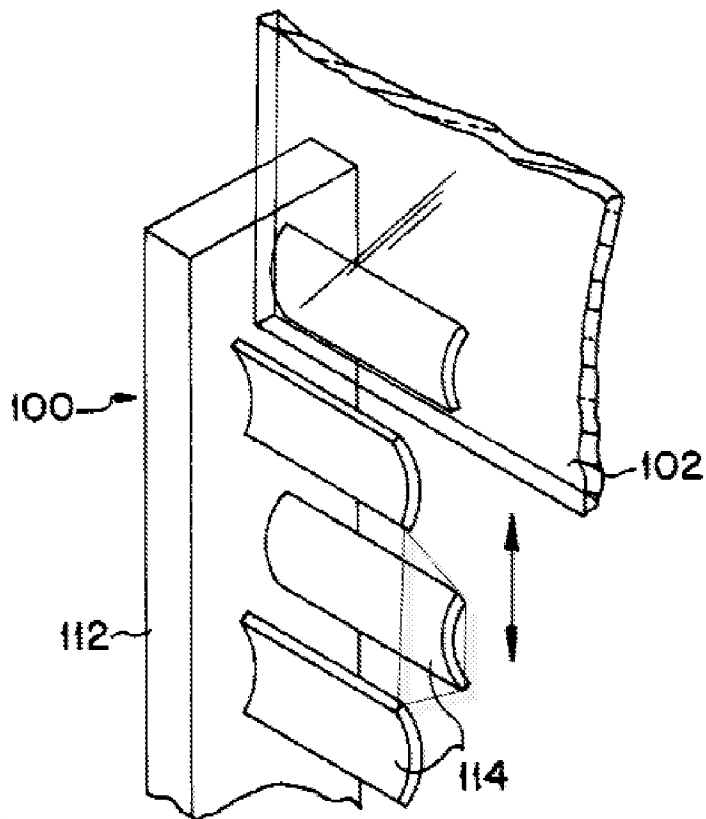
to facilitate demolding along a separating surface being a topological deformation of separating plane defined by said alternating limb sections running along the guide;

the sections that are arranged in an alternating manner have narrow side edges of successive sections on opposite limbs which are aligned with each other on a straight line within said separating surface;

the straight lines between the side edges form sides of trapezoidal intermediate spaces between the limbs, the space between two sections of one of said limbs forming a base of one of said trapezoidal intermediate spaces and a section of the other of said limbs forming the top of said one of said trapezoidal intermediate spaces as shown below. Nozaki et al. is silent concerning a window frame post.

However, German Patent Publication DE 199 42 650, in figure 3, discloses at least one window frame post (not numbered, but shown at the end of the lead line for reference character 14) in combination with a U-shaped guide (not numbered, but shown in figure 3).

It would have been obvious to one of ordinary skill in the art to provide Nozaki et al. with a window frame post, as taught by German Patent Publication DE 199 42 650, to increase the rigidity of the window frame unit.



**FIG. 16**  
**(PRIOR ART)**

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nozaki et al. in view of German Patent Publication DE 199 42 650 as applied to claims 1, 3, 4 and 8 above, and further in view of Yoshida et al. (US 5943823). Nozaki et al., as modified above, is silent concerning ribs.

However, Yoshida et al. discloses a rib 2.

It would have been obvious to one of ordinary skill in the art to provide Nozaki et al., as modified above, with ribs, as taught by Yoshida et al., to provide a secure means for mounting the window frame unit to the vehicle door.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nozaki et al. in view of German Patent Publication DE 199 42 650 as applied to claims 1, 3, 4 and 8 above. Nozaki et al., as modified above, is silent concerning the specific angle of between the sides of each of the trapezoidal intermediate spaces.

However, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to provide the angle between the sides of each of the trapezoidal intermediate spaces with a value of between 10° and 45°, between 30° and 40°, or 35° +/- 2° to ensure the proper movement of the window pane as the window panes slides between opened and closed positions.

### ***Response to Arguments***

Applicant's arguments filed May 1, 2008 have been fully considered but they are not persuasive.

The applicant's arguments concerning Yoshida et al. are moot in view of the new grounds of rejection.

Regarding the applicant's comments concerning Nozaki et al., the examiner respectfully disagrees. As pointed out in the interview of April 30, 2008, the examiner suggested the applicant define the lines 13 as planes wherein the end edges of an adjacent pair of sections 9 and 10 lie in said plane. Since the applicant merely defined

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elements 13 as lines, one of ordinary skill in the art could draw the lines of claim 1 as shown above to meet the applicant's claimed invention. Additionally, the applicant's comments concerning a window frame post are moot in view of the new grounds of rejection.

### ***Conclusion***

#### **THIS ACTION IS NOT MADE FINAL.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/  
Primary Examiner, Art Unit 3634